

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |                              |                |
|---|------------------------------|----------------|
| <b>Declaration in Support of Patent Application</b>               | <b>Docket No.: 10351-007</b> | <b>3 pages</b> |
| Applicant(s): Kembel et al.                                       | Confirm. No. : 1658          |                |
| Appl. No. : 09/558,925  | Art Unit : 2146              |                |
| Filed: 04/26/2000   | Examiner: J.E. Avellino      |                |
| Title: Apparatus and Method for Interacting with Internet Content |                              |                |

I, Raymond M. Broemmelsiek, hereby state and declare the following:

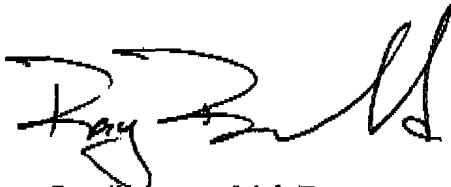
- 1) I have no interest, financial, personal, professional, or otherwise, in the above-captioned patent application, nor the outcome of its prosecution.
- 2) I have worked as a consultant for the assignee, Mt. Hamilton Partners, LLC, assisting with patent matters in the past, but other than the present declaration I am not presently consulting with assignee, nor have reason to believe that I will be consulting for assignee in the future.
- 3) I earned a bachelor's degree in electrical engineering from University of California, San Diego in 1983, and since that time I have been working in the field of computer science, including development of computer-user interfaces and Internet applications. I have personally designed, and managed software developers in the design of a number of Internet applications. I consider myself to be of ordinary skill in the art of Internet applications design.
- 4) I have read and understand U.S. patent application 09/558,925, as filed, of John A. Kembel et al. (hereafter the '925 application). I have also read and understand pages 2-4 of the Office Action from the U.S. Patent Office in the '925 application, mailed July 28, 2008 (hereafter the Office Action), specifically the rejection of claims 31-41, 50, 52-55, and 60-77 under 35 U.S.C. 112 for failing to be enabled by the specification as filed.
- 5) It is my opinion, as one versant in the art of Internet application programming, that there is a well-understood technical difference between a rendering engine and a web browser program. A rendering engine is software capable of interpreting instructions, such as hypertext markup language (HTML), and causing the display of content according to those instructions (e.g., presenting that content for viewing on a computer monitor). It is further my opinion that one skilled in the art would understand a web browser program to, by definition, includes general

web navigation controls which allow a user to navigate to a variety of different destinations of the user's choosing on the web (e.g., specified by a uniform resource locator, or URL) at which content is located. In many instances of a web browser program, user interface controls are further provided which allow the user to download, display, and interact with that content. It is my belief, as one versant in the art of Internet application programming, that many web browser programs include rendering engines, but that in the rigorous use of the terms, a rendering engine and a web browser program are not synonymous.

- 6) It is my understanding and belief that one skilled in the art would understand that a program without some form of general web navigation control feature (such as an address input region, forward and back buttons, etc.) would not be considered a "web browser (application)".
- 7) Accordingly, with regard to the statement "any program which renders Internet content can reasonably be construed as a web browser" found in the Office Action at paragraph 7, lines 4-6, it is my opinion, as one versant in the art of Internet application programming, that based on the above, this statement is not correct, and that in fact one skilled in the art would not conclude that a program which renders Internet content is automatically considered a web browser program.
- 8) It is my understanding and belief that given the specification of the '925 application as filed, one skilled in the art could, write a satisfactory program with ordinary effort and without undue experimentation, which both obtains and presents internet content without requiring the operation or presence of a dedicated third party web browser application. This understanding and belief is based on my knowledge of the state of the art of application development and specific sections of the '925 specification such as:
  - Paragraph 70
  - Example 2, pages 18-20
  - Paragraph 73 (e.g., lines 9-11)
  - Paragraph 125-133 (all)
  - Paragraph 78 (e.g., lines 4-end)
  - Paragraph 112 (all)
  - etc.

9. It is furthermore my understanding and belief that a program which would not be considered a web browser program may be obtained by starting with a web browser program and removing all features relating to user navigation, a task within the scope of one of ordinary skill in the art of web application programming.
10. It is therefore my understanding and belief that a software application can obtain and render internet content while not being considered by one skillful in the art to be a web browser application, and therefore internet content can be obtained and rendered without using a browser program, and furthermore that such a software application can be produced from the disclosure of the '925 specification and that level of skill possessed by one of ordinary skill in the art.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C.1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Ray Broemmelsiek Date  
at San Diego, California

DECEMBER 19, 2008